

Message Text

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EXDIS TODEP 64

THE FOLLOWING MESSAGE SENT TO SECSTATE INFO USUN NY BOGOTA
GUATEMALA LIMA MANAGUA MEXICO MONTREAL PANAMA SAN JOSE SAN
SALVADOR SANTIAGO TEGUCIGALPA TOKYO GUAYAQUIL
DTG P R 090125Z SEP 75 FM QUITO

QUOTE CONFIDENTIAL QUITO 6666

EXDIS

FOR DEPUTY SECRETARY INGERSOLL AND UNDER SECRETARY MAW FROM
AMBASSADOR MOORE

E.O. 11652: GDS
TAGS: PLOS PFOR EC
SUBJECT: LOS - TUNA DISCUSSIONS WITH ECUADOR

REF: A. QUITO 6671; B. QUITO 6672; C. QUITO 6673

1. SUMMARY: AMBASSADORS BREWSTER, MOORE AND CLINGAN HELD A
ONE DAY MEETING WITH ECUADOREAN AMBASSADORE GARCIA AND
BUSTAMANTE AND MINISTER AYALA TO DISCUSS ARRANGEMENTS FOR
NEW YORK TUNA TALKS AND TO EXCHANGE VIEWS ON SUBSTANCE OF
TUNA ARTICLE FOR LOS TREATY AND ITS IMPLEMENTATION THROUGH
NEW REGIONAL CONSERVATION AGREEMENT FOR THE EASTERN
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PACIFIC. MEETING WENT WELL AND IT WAS AGREED THAT
ECUADOR WOULD ASK AMBASSADOR GALINDO-POHL OF EL SALVADOR
TO CHAIR TWO WEEK MEETING IN NEW YORK BEGINNING SEPTEMBER
29. PARTICIPANTS IN MEETING WOULD DISCUSS AGREEMENT

ON TUNA ARTICLE FOR LOS TREATY AND A REGIONAL TREATY FOR ARTICLE'S IMPLEMENTATION IN THE EASTERN PACIFIC. ECUADOR-EANS AND AMERICANS ALSO EXCHANGED DRAFTS ON PROPOSED LOS TUNA ARTICLE AND DISCUSSED US DRAFT IMPLEMENTING AGREEMENT FOR THE EASTERN PACIFIC. ECUADOREAN SIDE SERIOUS AND SEEMS TO HAVE GREATER FLEXIBILITY ON SUBSTANCE THAN PREVIOUSLY. PRINCIPAL PROCEDURAL PROBLEM IS TIMING, WITH ECUADOREANS LESS POSITIVE ABOUT CHANCE OF CONCLUDING A REGIONAL AGREEMENT IN NEW YORK AND WISHING TO FOCUS PRIMARILY ON LOS ARTICLE. WE ARE ON THE RIGHT AND POSSIBLY ONLY TRACK TO SOLVE THE TUNA DISPUTE BUT THE NEGOTIATIONS MAY TAKE LONGER THAN WE WOULD LIKE. END SUMMARY.

2. AFTER A COURTESY CALL ON SUBSECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS, ERNESTO VALDIVIESO CHIRIBOGA, WHO EXPRESSED HOPE AND OPTIMISM CONCERNING UPCOMING NEW YORK TALKS, AMBASSADORS BREWSTER, MOORE AND CLINGAN MET WITH AMBASSADORS RAFAEL GARCIA AND JOSE BUSTAMANTE AND MINISTER JOSE AYALA FOR SEVEN HOURS OF DISCUSSION FOCUSING LARGELY ON PROCEDURES FOR THE NEW YORK MEETING BUT ALSO TOUCHING ON SUBSTANCE OF ISSUES. AMBASSADOR BREWSTER AND SUBSECRETARY VALDIVIESO HOSTED LUNCH AND DINNER FOR LOS TEAMS. THE VISIT OF AMBASSADORS MOORE AND CLINGAN APPEARED IN THE PRESS AND GOE OFFICIALS SEEMED MORE RELAXED AND CONSTRUCTIVE THAN DURING THE PREVIOUS VISIT OF MOORE AND CLINGAN.

3. ON THE PROCEDURAL SIDE THE FOLLOWING WAS AGREED:
(A) MEETING WOULD BE HELD IN NEW YORK AND WOULD RUN FOR TWO WEEKS FROM SEPTEMBER 29 TO OCTOBER 10;
(B) AMBASSADOR GALINDO-POHL OF EL SALVADOR WOULD SERVE AS CONVENER, COORDINATOR AND CONDUCTOR OF THE MEETING. ECUADOR WOULD IMMEDIATELY INFORMALLY CONTACT AMBASSADOR GALINDO-POHL ON BEHALF OF PERU, ECUADOR, CHILE AND US TO INVITE HIM TO SERVE;
(C) COUNTRIES PARTICIPATING IN TALKS AND INITIALLY INVITED WOULD BE CHILE, PERU, ECUADOR, HONDURAS, GUATEMALA, COSTA RICA, NICARAGUA, PANAMA, COLOMBIA, MEXICO, EL SALVADOR, US, CONFIDENTIAL

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AND CANADA. JAPAN WOULD NOT BE INITIALLY INVITED BUT ECUADOR UNDERSTOOD US WOULD ALERT JAPAN OF POSSIBLE INVITATION AND ECUADOR AGREED NOT TO OBJECT (AND TO UNDERTAKE TO GET PERU AND CHILE NOT TO OBJECT) WHEN US PROPOSES JAPANESE INVITATION TO TALKS AT FIRST MEETING ON SEPTEMBER 29. PARTICIPATION OF JAPAN AND NON-PARTICIPATION OF FRANCE WOULD NOT PREJUDICE ISSUE OF MEMBERSHIP IN REGIONAL TUNA ORGANIZATION.
(D) GALINDO-POHL WOULD BE FORMALLY INVITED WITH NOTE FROM PARTICIPATING COUNTRIES. (TEXT IS BEING SENT QUITO 6671)
NOTE TO BE HELD AT ECUADOREAN UN MISSION IN NEW YORK AND PERMANENT REPRESENTATIVE OF THE PARTICIPATING PARTIES

INVITED TO SIGN THE NOTE THERE AT BEGINNING OF REGULAR GA SESSION;

(E) US WOULD APPROACH ALL PARTICIPATING STATES BUT PERU AND CHILE TO PROVIDE INFORMATION ON THE NOTE AND THE MEETING. ECUADOR WOULD APPROACH CHILE AND PERU;

(F) MEETING WOULD FOCUS ON AGREEMENT ON LOS TUNA ARTICLE (ARTICLE #53) AND DRAFT CONSERVATION AGREEMENT IMPLEMENTING THE ARTICLE FOR THE EASTERN PACIFIC;

(G) ALTHOUGH THE COORDINATOR WOULD HAVE LATITUDE TO RUN AN EFFECTIVE MEETING THERE WOULD BE NO RESULTS UNLESS AGREED BY CONSENSUS;

(H) THE COORDINATOR COULD INTRODUCE APPROPRIATE TEXTS TO FOCUS THE DISCUSSIONS IF THE PARTICIPANTS AGREED THIS WOULD BE USEFUL;

(I) EACH NATION WOULD SEND ONE OR TWO REPRESENTATIVE WHO WOULD ACT ONLY IN A PERSONAL CAPACITY. IT WAS MADE CLEAR THAT THE U SIDE EXPECTED AMBASSADORS MOORE AND CLINGAN TO PARTICIPATE; AND

(J) ECUADOR AND US WOULD CONTINUE TO BE IN TOUCH PRIOR TO MEETING TO EXCHANGE VIEWS ON A SUITABLE TEXT OR TEXTS FOR GALINDO-POHL TO USE IN FOCUSING DISCUSSIONS. POSSIBILITY OF ANOTHER MEETING BETWEEN ECUADOREAN AND US TEAMS IN NEW YORK IMMEDIATELY PRIOR TO THE OPENING OF THE TALKS WAS NOT RULED OUT.

4. PRINCIPAL PROBLEM ON PROCEDURAL SIDE WAS EXCESSIVE ECUADOREAN CAUTION ABOUT IN PROCEEDING FROM DISCUSSION OF ARTICLE #53 (THE TUNA ARTICLE IN THE LOS SIGLE NEGOTIATION CONFIDENTIAL

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ING TEXT) TO CONSIDERATION OF SPECIFICS OF A REGIONAL AGREEMENT.

5. ON SUBSTANTIVE SIDE ECUADOR PROVIDED US TEAM ON PERSONAL BASIS WITH A DRAFT ARTICLE #53 ON TUNA. (DRAFT SENT SEPTEL; QUITO 6672.) DRAFT HAD BEEN APPROVED ON PERSONAL BASIS BY PERUVIAN AND CHILEAN REPRESENTATIVES. SIGNIFICANT MOVEMENT WAS INDICATED BY ACCEPTANCE OF THE IDEA OF A REGIONAL CONSERVATION AGREEMENT, ACCEPTANCE OF TERMINOLOGY (ON PERSONAL BASIS) OF THE EXCLUSIVE ECONOMIC ZONE AND HIGHLY MIGRATORY SPECIES, AND ACCEPTANCE OF CONSERVATION REGULATIONS AS BINDING ON THE COASTAL STATES. PRINCIPAL SUBSTANTIVE PROBLEMS REMAINING ARE NEED TO ACCEPT ALLOCATION AND OTHER STANDARDS AS BINDING, WORKING OUT APPROPRIATE COASTAL STATE PREFERENCE, AND WORKING OUT AN ACCEPTABLE VOTING FORMULA FOR THE REGIONAL CONSERVATION ORGANIZATION. US IN TURN PROVIDED ECUADOR ON PERSONAL BASIS WITH DRAFTS OF ARTICLE #53 AND OF POSSIBLE IMPLEMENTING REGIONAL AGREEMENT FOR EASTERN PACIFIC. BECAUSE OF ECUADOREAN SENSITIVITY, WE ASKED THAT THEY, RATHER THAN WE, COORDINATE VIEWS ON THESE DRAFTS WITH CHILE AND PERU.

6. US PUSHED ECUADOREAN SIDE HARD ON NEED TO HAVE NEW YORK TALKS FOCUS ON A DRAFT REGIONAL IMPLEMENTING AGREEMENT IN ADDITION TO A DRAFT ARTICLE #53. ALTHOUGH RELUCTANT, ECUADOREAN SIDE SEEMEE TO YIELD ON POINT AND AGREED TO INCLUDE LANGUAGE IN NOTE TO GALINDO-POHL THAT TALKS WOULD FOCUS ON ARTICLE #53 AND ITS IMPLEMENTATION IN EASTERN PACIFIC.

7. AT ONE POINT ECUADOREAN SIDE MENTIONED POSSIBILITY OF "GENTLEMEN'S AGREEMENT". ON PROBING, THIS SEEMED LARGELY AN EFFORT TO HAVE US GOVERNMENT EXERCISE INFLUENCE ON THE US TUNA INDUSTRY TO BUY LICENSES DURING NEXT TUNA SEASON. THE IMPLICATION IS THAT ANOTHER MEETING MIGHT BE NEEDED IN SPRING OR SUMMER OF NEXT YEAR TO FINALLY RESOLVE THESE ISSUES.

8. COMMENT: TALKS WENT EXTREMELY WELL ON PROCEDURAL ISSUES WITH SOME PROGRESS ALSO MADE ON SUBSTANCE. THE CONFIDENTIAL

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ECUABOREANS SEEM SERIOUS, HAVE FOUND A PROCEDURE FOR TALKS WITH US WHICH THEY LIKE, AND APPEAR MORE FLEXIBLE ON THE SUBSTANTIVE ISSUES THAN WE HAVE PREVIOUSLY OBSERVED. ON TIMING, HOWEVER, THEY EITHER WISH TALKS ON SPECIFICS OF REGIONAL AGREEMENT TO PROCEED MORE SLOWLY THAN WE OR ARE SKEPTICAL ABOUT PROSPECTS OF FIRST MEETING GOING BEYOND AGREEMENT ON ARTICLE #53. ALTHOUGH WE SHOULD DO ALL IN OUR POWER TO MOVE TALKS ALONG, WE SHOULD ALSO BE PREPARED TO WEATHER ANOTHER TUNA SEASON WITH NO AGREEMENTS, AND FOR THIS REASON DEPARTMENT WILL WISH TO FOCUS AGAIN ON INTERMEDIATE PROBLEM. OVERALL COMMENT IS THAT THE TALKS ARE PROCEEDING WELL SO FAR AND THAT WE ARE ON THE RIGHT TRACK TO SOLVE THE MORE THAN TWENTY YEAR OLD DISPUTE. FINAL RESOLUTION, HOWEVER, MAY WELL TAKE ONE OR MORE SESSIONS BEYOND THE NEW YORK MEETING AND IT IS CRITICAL THAT WE NOT PERMIT A SEIZURE-RESPONSE SYNDROME TO DESTROY THE MOMENTUM. SIMILARLY WE MUST BE UPBEAT ABOUT SOLVING THE ISSUE AT THE NEW YORK MEETING.

9. FOR USUN. IF DEPARTMENT CONCURS, PLEASE INFORM AMBASSADOR ZULETA OF GENERAL OUTLINES OF PROCEDURAL UNDERTAKING AND SEEK TO CONFIRM FACILITIES FOR MEETING BEGINNING SEPTEMBER 29. ALSO, PLEASE SIGN NOTE JOINTLY AGREED BY US AND ECUADOREAN TEMAS INVITING GALINDO-POHL TO SERVE AS COORDINATOR OF TALKS. NOTE SHOULD BE AT ECUADOREAN MISSION TO UN AND SHOULD BE SENT ABOUT SEPTEMBER 16.

10. FOR TOKYO. IF DEPARTMENT CONCURS; PLEASE INFORM AMBASSADOR OGISO OF GENERAL OUTLINES OF PROCEDURAL UNDERTAKING AND THE CONTENT OF THE ECUADOREAN-PERUVIAN-CHILEAN REVISED DRAFT OF ARTICLE 53. WE HOPE JAPAN WILL HAVE A

TEAM PRESENT IN NEW YORK AT TIME OF TAKS IF INVITATION IS EXTENDED. YOU SHOULD INDICATE THAT WE PRESSURED HARD AND REPEATEDLY FOR JAPANESE INITIAL INVITATION BUT ECUADOREAN REPRESENTATIVES WOULD NOT AGREE. WE EXPECT, HOWEVER, THAT EUCAODR WILL NOT OBJECT WHEN US SEEKS AGREEMENT TO INCLUDE JAPAN EARLY IN TALKS. PLEASE ALSO CONVEY TEXT OF US PRSONAL DRAFTS ON ARTICLE #53 AND PROPOSED IMPLEMENTING AGREEMENT FOR EASTERN PACIFIC AS GIVEN TO ECUADOR (QUITO 6673), AND MAKE POIT THAT US WOULD WELCOME COMMENTS ON TEXT BEFORE THE NEW YORK MEETING. US TEAM
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WOULD BE HAPPY TO DISCUSS THE DETAILS WITH AMBASSADOR OGISO ON HIS ARRIVAL IN NEW YORK THE WEEK OF SEPTEMBER 15.

1. FOR BOGOTA, GUATEMALA CITY, MANAGUA, MEXICO CITY, MONTREAL, PANAMA CITY, SAN JOSE, SAN SALVADOR AND TEGUCIGALPA: IF DEPARTMENT CONCURS, PLEASE PROVIDE HOST GOVERNMENTS WITH TEXT OF ECUADOREAN NOTE INVITING GALINDO-POHL WHICH WAS AGREED BY US AND ECUADOR. INDICATE THAT THEIR PERMANENT UN REPRESENTATIVES ARE INVITED TO SIGN THE NOTE WHICH WILL BE AVAILABLE IN THE ECUADOREAN MISSION TO THE UN ON SEPTEMBER 15, SO THAT THE NOTE CAN BE SENT ABOUT SEPTEMBER 16. PLEASE ALSO CONVEY TO HOST GOVERNMENTS FIRM DATES FOR THE MEETING, US HOPES THAT THEY WILL PARTICIPATE WITH END OF RESOLVING ISSUES (ON PERSONAL BASIS), AND THAT THE FOCUS OF TALKS WILL BE ON BOTH ARTICLE #53 OF SINGLE NEGOTIATING TEXT AND THE SPECIFICS OF IMPLEMENTING A NEW TUNA CONSERVATION AGREEMENT FOR THE EASTERN PACIFIC.

12. FOR TUCKES SCULLY AND ROGER HULL (D/LOS) AND AL WILLIAMS (ARA), PLEASE SEEK DEPARTMENT CONCURRENCE ASAP.

13. DETAILED MEMCON OF MEETING WILL BE PROVIDED TO DEPARTMENT IN NEXT FEW DAYS.

14. AMBASSADORS MOORE AND CLINGAN WOULD LIKE TO THANK AMBASSADOR BREWSTER AND EMBASSY OFFICERS EDWIN G. CORR AND DAVID PASSAGE FOR THEIR ASSISTANCE.
BREWSTER
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